REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of June 16, 2005 (Office Action). This response is being filed within the 3-month shortened statutory period.

Claims 1-2 and 7-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2003/0035381 to Chen, *et al.* (hereinafter "Chen"). Claims 3-4 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of U.S. Patent No. 6,415,269 to Dinwoodie (hereinafter "Dinwoodie"). Claims 5-6 and 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Dinwoodie and further in view of U.S. Patent No. 6,765,931 to Rabenko, *et al.* (hereinafter "Rabenko"). Claims 13, 14, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of U.S. Patent No. 5, 894,512 to Zenner (hereinafter "Zenner"). Claims 15 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Zenner, and further in view of Dinwoodie. Claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Zenner and Dinwoodie, and further in view of Rabenko.

Applicants' Invention

It may be useful at this juncture to reiterate certain aspects of Applicants' invention. One embodiment of the invention, exemplified by independent Claim 1, is a method of call conferencing using a voice browser. The method can include establishing a voice browsing session between a calling party and the voice browser. The method further can include receiving an inbound call from an additional party and adding the inbound call to the already-established voice browsing session. When the additional caller has been added to the voice browsing session, different requests originating from

the calling party and the added-in party, respectively, can be accommodated during the same browsing session; that is, requests originating from the calling party as well as the additional party can be processed during the same voice browsing session. (See, e.g., Specification, p. 3, lines 5-9, and p. 6, line 12 – p. 7, line 2.) Moreover, upon adding the additional party, a voice communications link can be established between the calling party and the additional party.

The Claims Define Over The Prior Art

With respect to each of independent Claims 1, 7, and 13, it is asserted that Chen teaches the step of establishing a conference session between a calling party and a voice server, after which an inbound call from an additional party is received. (See Office Action, p.2) It is further asserted that Chen teaches establishing a voice communications link between the parties to thereby conference-in the received call from the additional party. It is also noted in the Office Action that Chen discloses a voice server having call bridging capabilities.

Applicants respectfully submit that none of the cited features of Chen teach or suggest Applicants' invention. Chen does not teach or suggest, for example, establishing a voice browsing session and then subsequently adding to the session an additional party. Nowhere in Chen is voice browsing suggested.

Although Chen mentions a voice server, its function in Chen must be read in the context of the whole reference. As Chen explicitly states in a portion cited in the Office Action, a voice server is an alternative interface that can substitute for a web server. (Paragraph 0010, at p. 1) This interchangeability between a web server and voice server in Chen is made explicit throughout the reference. (See, e.g., paragraphs 0021 and 0022, at p. 3.)

Accordingly, the function of Chen's voice server can only be understood by reference to the role that a web server plays in Chen's overall teleconferencing system.

As explicitly described, the web server in Chen interacts with a database and a network-controller server to set up telephone conferences:

> "In accordance with the present invention, data network capabilities are utilized to allow an individual to set up and participate in a telephone conference call in situations where the individual may not be co-located with a switch (such as a PBX) that can arrange such a call. The PBX switch (or other suitable conferencing element) may be disposed as customer premise equipment (CPE) at a particular business or other location, or may be a network-based switch, shared by a number of different subscribers. The use of the data network to set up the conference call removes the need to either be co-located with the PBX switch, or to contact a network service provider specialist to set up the call. In particular, an individual with data network access to a remote office platform utilizes that connection to communicate with both a network-controlling server (e.g., a computer/telephony interface (CTI) server) and a web server at the platform. The network-controlling server is utilized to control the operation of a PBX switch to set up a conference call as directed by the individual. A database at the platform is used to store various directory listings used for conference call purposes. The web server interacts with the database and the network-controlling server to effectuate the call." (Paragraph 0006, p. 1) (emphasis supplied.)

Chen elsewhere explicitly states that the web server and a voice server are alternative devices for performing the same function, namely, setting up a telephone conference:

> "Alternatively, a conference call can be set up in "real time" using the arrangement of the present invention, using web server 36, in conjunction

> with database 34, to direct CTI 32 to immediately start the call set up procedure. As in the arrangement discussed above, CTI server 32 will use CTI messages to direct PBX 42/42$_i$ to immediately begin the call set up, launching outbound calls to reach participating parties. It is to be noted that the same function as web server 36 can be performed by voice server 44, which will then interact with CTI 32 to request the call set up." (Paragraph 21, at p. 3.) (emphasis supplied.)

As acknowledged at page 2 of the Office Action, Chen does not contemplate establishing a voice browser session. Indeed, the very interchangeability in Chen of a web server and voice server removes any suggestion that Chen contemplates establishing a voice browsing session, let alone adding in a party to a session already established with a different party. Fundamentally, Chen does not even remotely suggest establishing a voice browser session with one party and then adding in another party to the same voice browser session, as recited in each of the independent claims.

The voice server in Chen is an interface by which a caller injects himself into a telephone conference call. Specifically, the web or voice server is used to "send messages to [a] network-controlling server, which in turn contacts [a] PBX switch to launch the outbound calls to the conference call participants." (Paragraph 0008, at p. 1; see also paragraphs 0022 and 0023, at p. 3.) The launching of outbound calls to effectuate a telephone conference, whether using a web server or voice server, is the opposite of adding an inbound call to an already-established voice browser session.

Moreover, even if the voice server in Chen sets up a telephone conference call, nothing in the reference even remotely suggests the adding in of an inbound call to an already-established voice browsing session simultaneously with providing a voice communications link between two parties joined to the same voice browsing session, as further recited in each of the independent claims. Indeed, with Chen, it is suggested that

the voice server remains active throughout the telephone call only if the voice server is co-located with a PBX that handles the telephone call. (See paragraph 0022, at p. 3.) By implication, therefore, the voice server's only role is to "launch" the telephone conference. This obviates any suggestion of two parties participating in the same voice browsing session, as with Applicants' invention.

It is stated at page 2 of the Office Action that, because Chen mentions a voice server, "it would have been obvious to one of ordinary skill in the art to modify the voice server in Chen to be a voice browser, thus making the system more efficient when adding/bridging additional participants into the existing [telephone] conference without the need of adding hardware." Applicants respectfully assert, however, that even such a modification, regardless of whether it would be obvious or not, does not remotely suggest Applicants' invention. The mere addition of a voice browser to Chen's voice server only facilitates the launching of a telephone conference. Yet it suggests nothing about establishing a voice browser session, let alone establishing a voice browser session with a caller and then adding in a subsequent caller to the same voice browser session, as recited in each of the independent claims. Applicants respectfully submit that this feature can only be inferred from the references through a hindsight reconstruction of Applicants' own invention.

None of the various other cited references teach or suggest the features of Applicants' invention discussed herein, nor are they cited as doing so. Accordingly, Applicants respectfully assert that none of the references, alone or in combination, teach or suggest every feature of the independent claims. Applicants, therefore, respectfully submit that independent Claims 1, 7, and 13 each defines over the prior art. Applicants further respectfully assert that, whereas each of the dependent claims depends from one of Claims 1, 7, or 13 while reciting additional features, these claims likewise define over the prior art.

Applicants' Invention Predates Chen

Applicants further respectfully assert that they conceived of their invention and actively pursued its reduction to practice from a time prior to the August 16, 2001, effective date of Chen and that, therefore, Chen can not properly be asserted against Applicants' invention.

In support of their assertion, Applicants submit the Declarations attached hereto. The Declarations establish conception and continuing diligence from a time prior to the effective date of Chen through to the filing of the Application.

The Declarations are accompanied by a copy of Confidential Invention Disclosure No. BOC8-2001-0068, titled "*Method that Allows A Caller To Enter a VoiceXML Application Session That Is Already In Progress*" (hereinafter "the Disclosure"). The Disclosure was submitted by Applicants on August 3, 2001, to an IP professional employed by the assignee of the invention, International Business Machines Corporation (IBM). The disclosure was not subsequently revised. The Disclosure demonstrates proof of conception for the claimed subject matter of the Applicants' invention at least as early as August 3, 2001, and therefore predates the effective date of Chen.

The Disclosure is an IBM confidential disclosure form. It is a standardized document utilized, according to established IBM procedures, by IBM inventors upon their conception of an invention. Procedures established by IBM govern the internal use of the confidential disclosure forms. One aspect of IBM's procedures governing the use of such confidential disclosure forms is that no substantive modifications can be made to a confidential disclosure after its submission to an IBM Attorney/Patent Professional.

The present application, including each claim, was prepared based upon Applicants' Disclosure attached hereto. Moreover, according to IBM's established procedures governing the use of such disclosures, the inventors reviewed the application prior to its submission to the U.S. Patent and Trademark Office to ensure that the claims and material contained therein were fully supported by the Disclosure.

Moreover, Applicants exercised due diligence from prior to the effective date of Chen up through the date that their Application was filed. Specifically, as expressly affirmed in their Declarations, Applicants from at least August 3, 2001, through the filing of the Application on November 15, 2001, worked diligently with outside counsel to prepare and file the Application. Consistent with professionally-accepted practices, outside counsel prepares cases on a "first come, first served" basis, though applications associated with bar dates are granted priority within the work queue. This procedure was followed with respect to the Application in this case.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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